
FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of the Plum Creek Section 17 – Amendment #12 EA (Environmental Assessment Number OR-080-02-09), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significant in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

Right to Appeal

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If no appeal is received by the close of business (4:00 p.m. Pacific Standard Time) on June 26, 2002, this decision will be implemented.

Contact Person: For additional information concerning this decision or the BLM appeal process, contact Belle Smith, Marys Peak Field Office, 1717 Fabry Road SE, Salem, Oregon 97306; telephone (503) 315-5984.

Responsible Official



Date May 23 '02

for

Cindy Enstrom

Field Manager

Marys Peak Resource Area, Salem District

Bureau of Land Management

1717 Fabry Road SE

Salem, OR 97306

**OPTIONAL ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT
IMPACT, and DECISION RECORD FORM¹**

ENVIRONMENTAL ASSESSMENT

EA Number: OR-080-02-09

BLM Office: Marys Peak Resource Area, Salem District
1717 Fabry Road SE
Salem, OR 97306

Proposed Action Title: Plum Creek Section 17 – Amendment #12

Type of Project: Plum Creek Timber Company requests to construct a 413-foot natural surfaced road across BLM land and use of existing BLM roads to convert an alder stand to conifer on their lands in , of T. 13 S., R. 8 W., Section 8. The request involves an amendment to the Reciprocal Right-of-Way Agreement (R.W.A.) S-347 which would add the BLM managed land for the new road construction and the existing BLM 13-8-17, 13-8-18.1, and 13-8-19.2 roads which would be used to haul the logs through Sections 17 and 20.

Location of Proposed Action: The project area is located approximately 6 air miles south of Harlan, Oregon in Lincoln County. The lands are administered by the Marys Peak Resource Area within the Salem District of the Bureau of Land Management (BLM). The new road construction would be located within the Fall Creek Watershed in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T. 13 S., R. 8 W., Willamette Meridian. Use of existing BLM roads would occur in E $\frac{1}{2}$ of Section 17 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 20, T. 13 S., R. 8 W., all located within lands designated as Late-Successional Reserve.

Conformance with Applicable Land Use Plan: The Proposed Action is in conformance with the following documents: RMP (*Salem District Record of Decision and Resource Management Plan*), dated May 1995 (pp. 57, 62-64, Appendix C-Section II Roads); *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement* (FEIS) dated September 1994; Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (January 2001) and the *Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (November 2000), and *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April 1994 (pp. B-9 to B-10, C-32 to C-33). The Proposed Action is also in compliance with the terms and conditions of the *Programmatic Biological Opinion for Issuance of Right-of-Way Authorizations* (Reference BO # 1-7-02-F-428 dated April 29, 2002).

Purpose of and Need for Action: The applicant, Plum Creek Timber Company, has requested permanent access to their lands by amendment to R.W.A. S-347. Use of three miles of existing BLM road and 413-feet of new construction on BLM land would be necessary to access and treat Plum Creek lands. Plum Creek plans to conduct an alder timber harvest and convert the hardwood stand to a mixed conifer stand.

Description of the Proposed Action: The applicant proposes to construct an approximate 413-foot long road across BLM land, atop a ridge line and through a young mixed conifer stand (Douglas-fir and western hemlock) planted in 1973. The clearing width would be approximately 30-feet wide on an average 30% side slope and would involve clearing up to 0.3 acre for the road construction. Plum Creek also requested permission to clear an approximate 25-foot wide skyline corridor for an estimated 500-feet (estimated 0.3 acre) through the same plantation. Merchantable BLM trees which would be cut under the proposed action are well under the diameter limit for coarse woody debris, and would therefore be sold to a salvage logger.

Road construction and log hauling across BLM lands would be restricted to the two hour daily timing restriction to minimize any possible disturbance to marbled murrelets. To minimize sediment delivery to streams, construction and haul would be restricted to dryer months, typically June through October. Following completion of the log haul, the applicant would be required to construct drain dips, seed all disturbed areas (including the roadbed, cut and fill slopes), plant the existing landing with conifer trees, and block the road.

Complying with Oregon Department of Forestry (ODF) requirements, the 150-acres which are planned for harvest would be split into two units. Road construction and log haul for the initial 120-acre harvest entry is expected to occur during fiscal year 2002. Complying with Oregon Department of Forestry requirements, the second entry would likely occur during fiscal year 2005 or 2006.

Description of the Alternative Action: Plum Creek has an alternative access route located on their lands. Use of that route would require reconstructing an existing raveled roadbed which is located on a steep and historically unstable slope. An estimated 1,200 feet of this road is located within 250-feet of Fall Creek. Oregon Department of Forestry (ODF) Forest Practices Officer and Marys Peak Fisheries Biologist, Hydrologist, and Soils Scientist have all recommended the route described in the Proposed Action to minimize adverse effects to Fall Creek, an anadromous fish-bearing stream.

Consultation and Public Involvement: The proposed action on BLM lands results in a no affect to northern spotted owls, bald eagles, and Oregon coast coho salmon, and may affect, not likely to adversely affect marbled murrelets. Potential effects on critical habitat is addressed in the October 4, 2000 Biological Opinion for habitat modification.

In compliance with the National Environmental Policy Act, the proposed action was published on the Bureau of Land Management Salem District Internet site for 30 days and in the Corvallis Gazette Times, beginning on May 27, 2001. The internet site is available for interested public to access information concerning project development.

Affected Environment: The project area is located in Late-Successional Reserve (as designated by the *Salem District Record of Decision and Resource Management Plan*, pg. 15). It is not located within any allocated Riparian Reserve lands.

Environmental Impacts: For a full discussion of the physical, biological, and social resources of the Salem District, refer to the Salem District FEIS. For a site-specific discussion of affects from the Proposed Action which supplements the discussion in the FEIS, refer to Appendix 1 of this EA .

APPENDIX 1

ENVIRONMENTAL ELEMENTS

Environmental Assessment Number OR-080-02-09

In accordance with law, regulation, executive order and policy, the Plum Creek Section 17 - Amendment #12 interdisciplinary team reviewed the elements of the environment to determine if they would be affected by the proposed action. The following three tables summarize the results of that review.

Table 1. Critical Elements of the Environment. This table lists the critical elements of the environment which are subject to requirements specified in statute, regulation, or executive order.		
CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Air Quality	Not Affected	The proposal does not involve any actions which affect air quality.
ACEC (Area of Critical Environmental Concern)	Not Affected	No ACEC is located within the proximity of this proposed action.
Cultural, Historic, and Paleontological	Not Affected	No pre-project survey required as outlined in the <i>Protocol for Managing Cultural Resources on Land Administered by the Bureau of Land Management in Oregon; Appendix D - "Coast Range Inventory Plan (August 1998).</i>
Native American Religious Concerns	Not Affected	None known.
Threatened or Endangered (T&E) Plant Species or Habitat	Not Affected	There are no known T&E plant species or habitat that occur within the project area. The site was surveyed on May 21, 2002.

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CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Threatened or Endangered Wildlife Species or Habitat	May affect, not likely to adversely affect for marbled murrelets. No effect for northern spotted owls and bald eagles.	<p>New construction would occur in a 29 year old stand of mixed conifer which is not considered suitable habitat for spotted owls and marbled murrelets. There would be no modification of suitable habitat. Interrelated harvest on private land has no suitable habitat for owls or murrelets.</p> <p>Private harvest would occur within 0.15 mile of suitable marbled murrelet habitat is also present adjacent to the haul route. Per the terms and conditions of biological opinion 1-7-02-F-428 for Right-of-Way Authorizations in the Salem and Eugene BLM Districts proposed for FY 2002/2003, the following stipulation along with maps showing the pertinent affected areas should be included, if a permit for this action is issued:</p> <p><i>“Activities within a quarter mile of occupied or unsurveyed suitable marbled murrelet habitat that would produce noise above ambient levels, and that would be implemented between April 1 and September 15, shall not begin until 2 hours after sunrise and shall end 2 hours before sunset.”</i></p> <p>Because a Schedule 3 would be created for R.W.A. S-347, any future use of the roads added by this action could have additional restrictions/mitigations added as a result of potential threatened or endangered species disturbance or habitat modification at the time of use.</p>

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CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Threatened or Endangered Fish Species or Habitat	Not Affected	<p>There would be no effect on the aquatic environments, essential fish habitat, or on listed fish by the Proposed Action. However, the Alternative Action (reconstruction along Fall Creek) would likely trigger movement of significant material into the anadromous fish bearing stream. Sedimentation from use on the existing BLM roads would be minimized by restricting haul to drier summer months. The 413 feet of new construction would be located on the ridge top.</p> <p>All road construction and log haul should be restricted to the dry season, typically June 1 to October 31.</p>
Prime or Unique Farm Lands	Not Affected	No prime or unique farm lands associated with the right-of-way actions.
Flood Plains	Not Affected	No floodplains located in or affected by the actions.
Hazardous or Solid Wastes	Not Affected	No hazardous or solid waste found or produced by this proposal.
Water Quality (Surface and Ground)	Affected	<p>Low potential for sediment delivery during road construction and log haul due to ridge top location and dry weather haul.</p> <p>The Alternative Action (Fall Creek Reconstruction) would likely result in increased sediment entering Fall Creek due to disturbance associated with reconstruction. Historically, the roads on both banks of this stretch of Fall Creek have been responsible for instability and significant sediment delivery to the stream. Avoiding further disturbance is recommended.</p>
Wetlands/Riparian Zones (Executive Order 11990, Protection of Wetlands, 5/24/77)	Not Affected	The Proposed Action would not impact wetlands or riparian zones located on BLM lands. The Alternative Action, however, would have the potential to trigger sliding which could reach Fall Creek and the associated riparian area.
Wild and Scenic Rivers	Not Affected	No Wild and Scenic Rivers present.

Table 1. Critical Elements of the Environment. This table lists the critical elements of the environment which are subject to requirements specified in statute, regulation, or executive order.

CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Wilderness	Not Affected	No Wilderness in or adjacent to project area.
Invasive, Nonnative Species (includes Executive Order 13112, Invasive Species, 2/3/99)	Not Affected	Date of survey: (05/21/02) Tansy Ragwort (priority III noxious weed) is well established throughout Marys Peak Resource Area, including this area.
Environmental Justice (Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, 2/11/94)	Not Affected	The action would not have disproportionately high and adverse human health or environmental effects on minority populations and low income populations.
National Energy Policy (Executive Order 13212)	Not Affected	The Proposed Action would have no adverse impact on energy development, production, supply and/or distribution.

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction.

ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Land Uses (including mining claims, mineral leases, etc.)	Not Affected	The existing road for which the applicant is requesting use currently receives use by various companies under reciprocal right-of-way agreements. This action conforms with established uses.
Minerals	Not Affected	There are no known mining claims or mineral leases located within the project area.
Visual Resources	Not affected	The project area would be located within the Class IV Visual Resource Management category which allows for major modifications of the existing character of the landscape. The proposed action would be consistent with this classification.
Rural Interface Areas	Not Affected	None present.

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ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Recreation	Not Affected	
Coastal Zone (affect on "any land or water use or natural resource of the coastal zone." The determination of effects should include "direct, indirect, cumulative, secondary, and reasonably foreseeable effects")	Not Affected	The Proposed Action is located within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the state planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act. Management actions/direction found in the RMP were determined to be consistent with the Oregon Coastal Management Program.
Bureau Sensitive and Special Attention Plant Species/Habitat (including Survey and Manage, and protection buffer species)	Not Affected	There are no "known sites" of any special status or special attention vascular plant, lichen or bryophyte species within the project area, nor were any found during subsequent surveys. Habitat for these species does not exist in the 30 year-old, pre-commercially thinned stand. The site was surveyed on May 21, 2002.
Bureau Sensitive and Special Attention Wildlife Species/Habitat (including mammal Survey and Manage and mollusks)	Not Affected	There are no known Bureau sensitive and special attention wildlife species/habitat located within the project area, therefore no requirement to perform pre-project surveys.
Fish Species with Bureau Status and Essential Fish Habitat	Not Affected	No affect determination on listed fish or essential fish habitat for coho or chinook.

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ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Water Resources (including Aquatic Conservation Strategy Objectives, beneficial uses, etc.)	Not Affected	<p>The Proposed Action would not retard or prevent the attainment of the Aquatic Conservation Strategy objectives (see Table 3). This proposal is unlikely to impede and/or prevent attainment of the stream flow and basin hydrology, channel function, or water quality objectives of the Aquatic Conservation Strategy (ACS) objectives. The Proposed Action would have no effect on the following beneficial uses: Anadromous Fish, Resident Fish, Domestic Use or Livestock Watering. Fall Creek drainage (from mouth to headwaters) is identified in the 303(d) listed streams as water quality limited due to summer stream temperature.</p> <p>Measurable effects to stream flow, channel conditions, and water quality as a result of the Proposed Action are unlikely. Negative effects from road construction would be limited by restricting work to extended periods of low rainfall and runoff. Construct a narrow, out sloped road, and observe any runoff during periods of high precipitation to determine if stream turbidity is impacted. Grass seed and block the new construction following completion of operations.</p> <p>The proposed cable yarding corridor to a minimum width sufficient to operate. As a minimum, one end suspension of logs being yarded would be maintained.</p>

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction.

ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Soils	Affected	<p>Under the Proposed Action, construction of the 413-foot road would occur upon a ridge top. An estimated 500-foot long corridor would also be cleared for yarding logs to an existing BLM landing. In both cases, disturbance to soils would be confined to a relatively narrow strip of land. Implementation of Best Management Practices would further reduce impacts.</p> <p>Road construction would be restricted to periods of dry weather, primarily between May 1 and October 31 of a given year in order to limit surface runoff and accelerated erosion. The road would be out sloped, with no ditch, and the surface width limited to no more than a 12-foot running surface. Because the constructed road would remain un-rocked, log haul would be allowed only during the dry season. If heavy rain develops during hauling periods, use should be postponed until conditions improve. The road would be winterized with water bars and grass seeded upon completion of haul. Blocking access during periods of non-use is encouraged.</p> <p>The reconstruction described under the Alternative Action would result in greater adverse disturbance than the Proposed Action. The potential for mass wasting would be increased by cutting into the steep, ravel prone slopes. Historically, existing roads (including the one analyzed for the Alternative Action) which are located on both slopes above Fall Creek have been responsible for significant sediment delivery to the stream. Both roads had been abandoned due to raveling and instability. Any additional excavation adjacent the stream, as well as midslope construction, should be avoided.</p>
Fire and Fuels	Affected	Right-of-way slash would be hauled onto private land and burned, buried, or scattered. Disposal in the adjacent BLM plantation is not advised.

Table 3: Aquatic Conservation Strategy Objectives Review Summary

ACS Objective	How Project Meets Aquatic Conservation Strategy Objectives
Maintain and restore distribution, diversity, and complexity of watershed and landscape features to ensure protection of aquatic systems.	The small area involved in the project area would have minimal affects on these objectives at the fifth field level.
Maintain and restore spatial connectivity within and between watersheds.	The proposed project would maintain the existing spatial and temporal connectivity within and between watersheds. No culverts are planned and therefore no aquatic connectivity would be affected.
Maintain and restore physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	The proposed construction would be located on a ridge at a significant distance from the nearest stream. No streams will be physically impacted from the road construction.
Maintain and restore water quality necessary to support healthy riparian, aquatic and wetland ecosystems.	The proposed project is located a significant distance from the nearest stream, and the hillside between the project and the stream consists of a dense Douglas-fir plantation and thick ground cover. Therefore, it is unlikely that sediment would reach the stream. Log haul on the existing BLM roads would occur during the dry season.
Maintain and restore the sediment regime under which system evolved.	The Proposed Action has low potential for sediment delivery to any stream channel during ridge top roadway construction and log haul. The dry weather haul on the existing roads would also have a low potential for sediment delivery.
Maintain and restore instream flows.	Road construction activities on BLM land and log haul on a ridge top – as well as summer log haul on an existing BLM roads would have no effect on base flows. The proposed project would maintain existing patterns of sediment, nutrient and wood routing.
Maintain and restore the timing, variability and duration of floodplain inundation and water table elevation in meadows and wetlands.	The proposed project would have no effect on the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands because there are no wetlands or meadows adjacent to the project area.
Maintain and restore the species composition and structural diversity of plant communities in riparian zones and wetlands to provide thermal regulation, nutrient filtering, and appropriate rates of bank erosion, channel migration and CWD accumulations.	The proposed construction would be located a significant distance from the nearest stream and outside the Riparian Reserve. There are no wetlands or riparian zones located within the project area that would be affected by the proposed action. Therefore existing species composition and structural diversity would be maintained.
Maintain and restore habitat to support well distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species	The proposed construction is located a significant distance from the nearest stream and outside the Riparian Reserve, therefore no riparian dependent species or their habitat would be affected.

VI. LIST OF PREPARERS / INTERDISCIPLINARY TEAM MEMBERS

NAME	TITLE	RESOURCE ASSIGNED	INITIALS	DATE
Belle Smith	Natural Resource Specialist	NEPA Review	BS	5/22/02
Amy Haynes	Riparian Ecologist	Ecological Impacts	ah	5/22/02
Roy Price	Wildlife Biologist	Wildlife	R.P.	5/22/02
Ashley LaForge	Hydrologist	Hydrological Functions	AL	5/22/02
Tom Vanderhoof	Biological Resource Technician	Cultural Resources	TMV	5/22/02
Steve Liebhardt	Fisheries Biologist	Fisheries/Aquatic Resources	SL	5/22/02
Ron Exeter	Botanist	Botany, Noxious Weeds	R.E.	5/22/02
Tom Tomczyk	Soils Scientist	Soils and Fuels Mgmt.	TL	5/22/02

Prepared by: Steve Cyrus

1 Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-I 1, it is appropriate to use this optional form when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered, 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

